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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/891,956 07/14/97 PEYER

D CE01945R

LM61/0804

MOTOROLA INC
INTELLECTUAL PROPERTY DEPT (MDP)
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AN475
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EXAMINER

CHIANG, J
ART UNIT PAPER NUMBER

2742

DATE MAILED:

08/04/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 7/14/97

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 8 is/are allowed.

☒ Claim(s) 6-7, 9-11 is/are rejected.

☒ Claim(s) 5-7, 12-13 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e):

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 84

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Sudo et al.

Regarding claims 1-4, 9-11, the claimed invention reads on Sudo as follows:

Sudo discloses a telephone comprising:

a housing (Fig. 1) which is movable between a closed position (in Fig. 2) and an open position (in Fig. 1);

a controller (Fig. 3) selectively disable answering of the incoming call (manually turn off the power) when the housing is moved from the closed position to the opened position.

Regarding claim 9, the claimed invention reads on Sudo as follows:

Sudo shows a telephone comprising:

an opened position and a closed position (Figs. 1-2);

selectively disabling answering of an incoming call (turn off the power);

detecting movement of the device from the closed position to the opened position (turn on the power and move the arm 2).

Regarding claims 2-4, 10-11, Sudo show:

an output device (21, 31, 32 etc); a portion of the output device (21);

an input device (i.e., 10a);

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displaying the caller ID (25, col. 15 lines 1-8);

detecting and answering the incoming call (power on Fig. 1).

2. Claims 5-7, 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 is also allowed. These claims (5-8, 12-13) are allowed because the memory feature which stores the first setting and the second setting that operates to answer/not-answer an incoming call.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Chiang whose telephone number is (703) 305-4728. The examiner can normally be reached on Mon.-Fri. from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele, can be reached on (703) 305-4701. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5403.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


JACK CHIANG
PRIMARY EXAMINER

J.Chiang/kw